

ORDINANCE NO. 88

AN ORDINANCE OF THE VILLAGE OF MALCOLM, NEBRASKA ADOPTED UNDER THE AUTHORITY CONFERRED BY THE STATUTES OF THE STATE OF NEBRASKA; TO REGULATE THE SUBDIVISION OF CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF MALCOLM, AND WITHIN THE AREA ONE MILE BEYOND THE VILLAGE CORPORATE LIMITS; TO PRESCRIBE RELATIONSHIP OF SUBDIVISION PLATTING TO THE MALCOLM COMPREHENSIVE DEVELOPMENT PLAN; TO ESTABLISH PRELIMINARY MEETING, PRELIMINARY PLAT, AND FINAL PLAT PROCEDURES; TO REQUIRE IMPROVEMENTS; TO PRESCRIBE DESIGN STANDARDS; TO REQUIRE RESERVATION OF LAND FOR PUBLIC PURPOSES; TO PROVIDE ENFORCEMENT PROCEDURES AND PENALTIES; TO PROVIDE FOR INVALIDITY OF A PART; AND TO REPEAL PARTS OF ORDINANCES OR RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE.

BE IT ORDAINED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF MALCOLM, LANCASTER COUNTY, NEBRASKA.

SECTION I

This Ordinance shall be known, referred to and cited as "The Land Subdivision Regulations Village of Malcolm, Nebraska".

SECTION II

The purpose of this Ordinance is to provide for the orderly development of the Village of Malcolm, Nebraska, and its environs by insuring, through the prescribed rules and standards, functional arrangements of street layouts, open spaces, adequate community facilities and utilities, and the general provision of conditions favorable for the health, safety and convenience of the community.

SECTION III-GENERAL REQUIREMENTS

1. Subdivision includes any division of a parcel of land by the owner or his agent for the purpose of sale or building development where the act of division creates one or more parcels of less than ten (10) acres in size. The term "subdivision" includes resubdivision and the term "resubdivision" includes any further subdivision of a lot or parcel of land previously subdivided for sale, use or other purposes, which varies from the latest approved subdivision of the same.
2. No subdivision of land, as defined above, shall be permitted within the Village of Malcolm or within one mile of the Village limits, unless a plat is approved in accordance with subsection 3 of Section IV.
3. In addition to required compliance with the provisions of this Ordinance, all subdivisions shall conform to the Malcolm Zoning Ordinance and the Malcolm Comprehensive Plan.
4. Whenever a tract to be subdivided embraces any part of an urban street, urban arterial, or commercial street designated in the Comprehensive Development Plan, such part of

the proposed public way shall be platted and dedicated by the subdivider in the location and at a width indicated in the Comprehensive Development Plan.

5. This Ordinance shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever the regulations it imposes are more restrictive.

SECTION IV-PROCEDURE FOR SUBMITTING SUBDIVISION PLATS

1. Preliminary Meeting

- a. Before filing a preliminary plat the subdivided shall consult with the Malcolm Planning Commission for advice regarding general requirements affecting the proposed development. A sketch of the proposed subdivision drawn on the topographic survey map shall be submitted. The topographic survey map shall be submitted. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to existing or platted streets and arterials, and existing community facilities.

2. Preliminary Plat

- a. The subdivider shall submit to the Planning Commission a preliminary plat based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of at least one inch per 100 feet, having a one-foot contour interval, shall identify the improvements (grading, tree planting, paving, installation of facilities, and dedications of land) and easements which the subdivider proposes to make, and shall indicate by an accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall also be submitted.
- b. After review of the preliminary plat and negotiations with the subdivider on changes deemed advisable, and the kind and extent of public improvements which will be required, the Planning Commission shall reject, approve, or conditionally approve the preliminary plat within 40 days.
- c. Approval or conditional approval of a preliminary plat shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval or conditional approval of the layout submitted as a guide for the preparation of the final plat, which will be subject to further consideration by the Planning Commission.
- d. Whenever it is proposed to replat a recorded subdivision or subdivisions, or any part of a recorded subdivision or subdivisions, the Planning Commission shall hold a public hearing on the proposed preliminary plat or the replat before taking action. When a preliminary plat or the replat is filed with the Planning Commission, the Village Clerk shall schedule a public hearing before the Planning Commission. The Clerk shall, by first class mail, make notification of the proposed replat and of the scheduled hearing thereon, to the owners of all properties situated within the limits of the exterior boundaries of the proposed replat, and to the owners of all properties within

a radius of 200 feet of the exterior boundaries of the proposed replat, at least ten (10) days prior to the time of such hearing.

3. Final Plat

Final plats shall be submitted to the Planning Commission within six (6) months of preliminary plat acceptance, unless this requirement is waived in writing by the Planning Commission. The final plat shall conform to the preliminary plat as approved, and to the requirements of all applicable ordinances and state laws. The final plat shall be accompanied by detailed construction plans of all improvements. The final plat shall be presented to the Planning Commission at least ten (10) work days prior to the meeting at which it is to be considered, and shall be acted upon by the Planning Commission and the Village Board of Trustees within sixty (60) days of its submission, unless the time is extended by an agreement with the subdivider. Certification shall be shown on the final plat, signed and acknowledged by all parties holding title or having any title interest in the land subdivided, and consenting to the preparation and recording of the plat as submitted.

SECTION V -- IMPROVEMENTS

Adequate sewer and water facilities, curb and gutter, street base preparation and paving, landscaping, surface water drainage and street lighting facilities shall be provided by the subdivider for each lot, in accordance with specifications provided for in this ordinance.

SECTION VI -- DESIGN STANDARDS

1. Streets and Alleys

- a. General: In any new subdivision the street layout shall conform to the general arrangement, width and location indicated in the Malcolm Comprehensive Development Plan and current acceptable design standards. In areas for which such layouts have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be such as to provide each lot satisfactory access to any existing public street by means of a public street.

1. Urban local, urban collector, urban arterial streets, and highways shall be properly integrated with the existing and proposed system of like streets and highways and insofar as practicable shall be continuous and in alignment with existing, planned, or platted streets with which they are to connect.
2. Urban local and collector streets shall be designed to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and

sanitary sewage systems; and to require the minimum street area necessary to provide safe and convenient access to abutting property.

3. Cul-de-sac streets designed to have one end permanently closed shall not exceed 300 feet in length.
4. Alleys shall be required in commercial and industrial districts for off-street loading and service access if deemed necessary by the Planning Commission, but shall not be approved in residential districts. Dead-end alleys shall not be approved, and alleys shall not have their points of connection on an urban arterial street or highway.

2. Intersections

- a. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit, and in no case less than a 75 degree angle.
- b. The number of streets converging at one intersection shall be limited to not more than two. On local streets, the T intersection is generally preferable to the crossroad intersection.
- c. The number of intersections along urban arterial or highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,000 feet.
- d. Street jogs with center lines offset of less than 150 feet shall be avoided.
- e. All right-of-way lines at intersections with arterial streets shall provide for a curb radius of not less than 15 feet.

3. Street Widths and Grades

- a. The minimum right-of-way and roadway of all proposed streets and alleys of any type or classification shall be of the width specified by State of Nebraska Department of Roads design standards.
- b. All cul-de-sac streets shall terminate in a circular turnaround having a minimum outside curb diameter of 70 feet.
- c. The grade of any street shall in no case be less than one-half of one percent.

4. Radii of Curvature

When a continuous street center line deflects at any one point by more than ten degrees, a circular curve shall be introduced having a radius of curvature on said center line of not less than 300 feet. A tangent at least 100 feet in length shall be provided between reverse curves on urban arterial, commercial and urban collector streets.

5. Half-streets

Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subscriber.

6. Street names

New street names shall not duplicate or be similar to existing street names. Existing street names and systems of names shall be projected wherever possible.

4. Easements

- a. The Planning Commission may require easements of widths deemed adequate by the Commission for the intended purpose on each side of all rear lot lines and on side lot lines, or across lots where necessary or advisable for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains or other utility lines.
- b. Where a subdivision is traversed by a water course, drainageway, channel or stream, any adequate drainageway or easement shall be provided as required by the Planning Commission. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Planning Commission and parallel streets or parkways may be required in connection therewith. Wherever possible, the storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow; these sizes and design details to be subject to review and approval by the Village Board or the consultant.

5. Blocks

- a. The lengths, widths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control, and safety of street traffic, and the limitations and opportunities of topography. Block lengths in residential areas shall not, as a general rule, be less than 300 feet in length between street lines unless dictated by exceptional topography or other limiting factors of good design.
- b. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.
- c. Pedestrian ways or crosswalks, not less than ten (10) feet in width, shall be provided near the center and entirely across any block, 900 feet or more in length where deemed essential in the opinion of the Planning Commission, to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.
- d. All utility lines for electric power and telephone service shall be placed underground except where, in the opinion of the Planning Commission, such location is unfeasible or too costly. Poles for permitted overhead lines shall be in rear lot line easements.

6. Lots

- a. The size, shape, and orientation of the lots shall be appropriate for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.
- b. Every lot shall front or abut on a public street.
- c. Lot dimensions shall conform to the requirements of the zoning ordinance, and shall have a minimum average depth

- of 100 feet, and a minimum of 75 feet at the 25 foot setback line. Where not served by a public sewer, lot dimensions and areas shall, in addition, conform to any recommendations of the State Department of Health.
- d. Side lot lines shall, where possible, be at right angles to straight street lines or radii to curved street lines on which the lots face.
 - e. In case a tract is subdivided into large parcels (but less than four acres), such parcels shall be arranged as to allow the resubdivision of any such parcels into normal lots in accordance with the provisions of this ordinance.
 - f. Excessive lot depth in relation to width shall be avoided, and a proportion of two to one shall be normally considered as a desirable ratio.
 - g. Lot lines shall follow municipal boundary lines, rather than cross them.
 - h. Double frontage and reverse frontage lots shall be prohibited, except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
 - i. Where residential lots back or side on railroad rights-of-way or State or Federal highways, the lot shall be platted with extra depth to permit generous distances between the buildings and such traffic ways.
 - j. Where lots proposed for commercial, industrial, or residential uses front on railroad rights-of-way or State or Federal highways, a marginal access street or frontage road shall be provided, parallel and adjacent to the boundary of such traffic ways.
 - k. Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

SECTION VII-RESERVATION OF PUBLIC SPACE

1. The Planning Commission may require that suitable sites of adequate area be dedicated or reserved for future public uses such as parks, playgrounds, and open spaces. Reservation of land for public acquisition shall be for a period not to exceed three (3) years from the date the plat is officially recorded. Open space area specifically identified in the Comprehensive Development plan shall be reserved for this purpose for the same period.

SECTION VIII-VARIANCES

1. The Village Board of Trustees and Planning Commission may grant variances from the provisions of this ordinance, but only after determining that:
 - a. There are unique circumstances or conditions affecting the property.
 - b. The variance is necessary for the reasonable and acceptable development of the property in question.

- c. The granting of the variance will not be detrimental to the public welfare or injurious to adjacent property.
2. The requirement of filing and recording a plat for subdivision shall not be waived.

SECTION IX-SEVERABILITY

Invalidation of any part of this ordinance by a court shall not invalidate the rest of this ordinance.

SECTION X-APPLICATION

This ordinance shall apply not only to the subdivision and additions hereinabove set forth in the body of this ordinance, but shall also apply, insofar as payment of costs for improvement of subdivisions is concerned, to those subdivisions and additions, or parts thereof, already platted and approved, which are undeveloped, wholly or partially, as of the effective date of this ordinance.

SECTION IX-REPEAL OF CONFLICTING ORDINANCES

All ordinances, parts of ordinances, resolutions or parts of resolutions inconsistent with this ordinance are hereby repealed.

This ordinance shall take effect and be in force from and after its adoption by the Village Board of Trustees of the Village of Malcolm.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Malcolm, Nebraska; this 3rd day of January, 1990.

/s/ Randy Watson
Chairman, Village Board of Trustees

ATTEST:

/s/ Rex Guerin
Village Clerk